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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,027	01/02/2002	Dennis William Mount	Chem Champ *1	9152
7590 10/14/2005				
Todd S. Parkhurst Holland & Knight LLP 131 S. Dearborn, 30th Floor Chicago, IL 60603				
		EXAMINER		
		BHAT, NINA NMN		
		ART UNIT PAPER NUMBER		
		1764		

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/030,027

Applicant(s)

MOUNT, DENNIS WILLIAM

Examiner

N. Bhat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Applicant's arguments and amendments of May 13, 2005 have been fully and carefully considered. Applicant's arguments regarding the rejection remain unpersuasive and the claims remain rejected for reasons of record in the office action of October 27, 2004 and the following:

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-55 remain rejected over Baumann in combination with Yong et al.

Baumann teach a process and apparatus for recovering a pure solvent from a contaminated solvent, the process feeding contaminated solvent to an evaporator and separating the solvent from the contaminants that have a higher boiling point than the solvent by evaporation in the evaporator to produce a vapor stream of solvent which leaves the top of the evaporator while the high boiling contaminants remain in the liquid state in the bottom of the evaporator, directly feeding the vapor to a condenser and

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condensing the solvent by partial condensation while the contaminants which have a lower boiling point than the solvent remain in the vapor stream, removing condensed solvent from the bottom of the condenser as a liquid stream and uncondensed vapor containing the lower boiling point contaminants from the top of the condenser as a vapor stream, and regulating the temperature of the vapor stream leaving the condenser and temperature of the condensed solvent liquid stream leaving the condenser independently of each other by means of a closed separate cooling circuit. The coolant which enters the condenser at the same end as the vapor stream leaves the condenser are the same as the condensed liquid solvent stream, by adjusting the temperature of the coolant entering the condenser in accordance with the temperature of the vapor stream leaving the condenser to maintain the temperature a pre-determined set point then adjusting the flow rate of the coolant flowing through the condenser.

However, as applicant has argued Baumann does not teach the direct connection between the vessel and the condenser nor the specific heat absorbing mass.

Young et al. teach a solvent recover system for oils and grease and condenses the solvent vapors to recover a solvent. The system includes a vessel which has an inlet for sealing receiving an outlet of a separator funnel; the solvent is filtered through the filter paper placed in a funnel which is integral to the vessel. The filtrate from the funnel flows through the funnel tubular section into an evaporation flashed wherein the solvent is heated and evaporated, in direct connection there is provided a condenser

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which is integral with the vessel and which receives and condenses the vapors from in a condensate that is collected in a solvent recovery flask. From the figures there is a teaching that the conduit includes a slope to permit any condensate from within the conduit to drain.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a solvent recovery system comprising a distillation chamber for the solvent, heating means, direct condensation means and means to direct the vapor from either the condenser or evaporator which further includes a vapor management module which treats the vapor from the condenser, this concept has been fully taught by Baumann, although Baumann does not teach using a heat absorbing means, Baumann does teach that transit of particles from the evaporator to the condenser can be avoided by using a layer of filter material within the evaporator. The filter layer can consist on lone or more wire meshes and a between a metal wool fleece, the filter layer can be self-supporting or can be borne by a support device within the evaporator, the filter of Baumann or Young could be functionally equivalent to the heat absorbing means claimed by applicant. Young further teaches that the condenser uses a cooling liquid which is functionally equivalent to applicant's heat absorbing means therefore rendering applicant's solvent recovery system, include a distillation module, direct condensation module, and vapor management module as claimed obvious to one having ordinary skill in the absent criticality in showing. With respect to using a computer in order to manipulate the run the evaporation through the vessels taught Baumann and Young et al. It is within the purview of the ordinary artisan to either uses

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a computer and controller to control the evaporation and condenser or that which can be achieved by machine originally could be controlled using a human which would adjust the parameters and equipment such that a desired high yield solvent recovery system is achieved.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to N. Bhat whose telephone number is 571-272-1397. The examiner can normally be reached on Monday-Friday, 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on 571-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



N. Bhat  
Primary Examiner  
Art Unit 1764